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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,874	03/04/2005	Tsuyoshi Ide	112A 3685 PCT	7410
3713	7590	10/05/2006		EXAMINER
KODA & ANDROLIA				MULLER, BRYAN R
2029 CENTURY PARK EAST				
SUITE 1140			ART UNIT	PAPER NUMBER
LOS ANGELES, CA 90067			3723	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/526,874	IDE, TSUYOSHI	
	Examiner	Art Unit	
	Bryan R. Muller	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 July 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 3 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 July 2006 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/11/2006</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the specification, as amended, disclose reference number "38" as a long groove and a long perforation. Each reference number is only supposed to represent one part or feature in each application. Appropriate correction is required.

Claim Objections

2. Claim 3 is objected to because of the following informalities: as discussed in the previous office action, the term "perforated" in line 9 of claim 3 is unclear. It is suggested by the examiner that the applicant change the section "perforated at a cylindrical section" to "perforating a cylindrical section". The term "performing radially" in lines 13 and 14 of claim 3 is also unclear. It is assumed by the examiner that the applicant intends to disclose that the passage ports "axially perforate" the cylindrical section. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Lines 5 and 6 of claim 3 disclose that "the rotary tool, which is between ring-like spacers, is disposed around an outer circumference of a sleeve". It is unclear if the applicant is intending to claim the ring-like spacers as part of the mist supply mechanism or as part of the tool structure. It is suggested by the examiner that, if the applicant intends to claims the spacer-rings as part of the mist supply mechanism, that he applicant amend the portion of the claim to read "the rotary tool is disposed around an outer circumference of a sleeve" and add the limitation after line 7 of claim 3 that a plurality of ring-like spacers are provided, wherein the tool is located between the ring-like spacers" or some equivalent thereof.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Golick (3,240,243).

7. Golick (in figure 3) discloses a mist supply mechanism for a rotary tool for supplying a mist under pressure to a rotary tool (32) disposed around a rotating shaft (20), and implementing cooling and/or lubricating of the rotary tool (32) during work piece-machining, wherein the rotary tool (32), which is between ring-like spacers (34), is

disposed around an outer circumference of a sleeve (sleeve is formed by the tubular end of the shaft 36 and the hub member 52) with predetermined length circumferentially engaging (one end of the hub 52, which is part of the sleeve, circumferentially engages the shaft) the rotating shaft (20); a plurality of mist supply passages (74) are provided, said plurality of mist supply passages comprising passages perforated at a cylindrical section of the sleeve (36, 52) and extending in an axial direction, and having one end communicating with a rotary coolant supply section (88; one end of mist supply passage communicates with the rotary coolant supply via passageways 70 in the mandrel end 36) and the other end being closed as a closed-end section; a plurality of passage ports (78) radially perforating the cylindrical section of the sleeve (36, 52) with one end of each of the passage ports (78) correspondingly communicating with the plurality of mist supply passages (74; passage ports 78 communicate with the supply passages via opening 76); a mist circulation groove (80) is provided on the ring-like spacers (34), with the other end of the plurality of passage ports (78) communicating with the mist circulation groove (80), so that said mist circulation groove (80) allows mist supplied from the plurality of passage ports (78) to flow to the rotary tool (32); and the mist supplied from a mist supply source to the coolant supply section (88) is supplied to the rotary tool (32) through the plurality of mist supply passages (74), the plurality of passage ports (78) and the mist circulation groove (80). Although the particular embodiment of Golick discloses a coolant supply that allows air (90) to escape in order to prevent aspiration of ambient air, Golick does disclose other embodiment wherein the coolant is supplied through a rotary seal section and teaches that a rotary seal section

may be used providing that no aspiration of ambient air occurs. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the rotary coolant supply (88) of figure 3 may alternatively be replaced by the rotary seal section (158, 160, 162) shown in figure 13, as long as aspiration of ambient air does not occur.

Response to Arguments

8. Applicant's arguments with respect to claim 3 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan R. Muller whose telephone number is (571) 272-4489. The examiner can normally be reached on Monday thru Thursday and second Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BRM BRM
9/19/2006


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